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OF RACIAL DISCRIMINATION
Fifty-second session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the
Elimination of Racial Discrimination

Russian Federation

1. The Committee considered the fourteenth periodic report of the Russian Federation (CERD/C/299/Add.15) at its 1246th and 1247th meetings, held on 2 and 3 March 1998. At its 1268th meeting, held on 17 March 1998, it adopted the following concluding observations.

A. Introduction

2. The Committee commends the State party for the timely submission of its report, its determination to report regularly, and for having sent a numerous and high-level delegation to meet with the Committee, which is an indication of the importance attached by the Government of the Russian Federation to its obligations under the Convention. The Committee also appreciates the open and constructive approach which characterized the dialogue with the delegation, as well as the additional information provided orally.

3. The Committee notes that the State party has made an effort to address some of the concerns expressed by the Committee in its concluding observations in connection with the twelfth and thirteenth periodic reports. However, the fourteenth report was rather an updating report focusing on developments that took place since the consideration of the previous report and not a comprehensive one, as had been requested by the Committee, and the fourteenth report also did not fully follow the general guidelines regarding the form and contents of reports.

B. Factors and difficulties impeding the implementation of the Convention

4. It is noted that the Russian Federation is a large multi-ethnic, multi-religious and multicultural State composed of more than 176 nationalities and ethnic groups. Political changes that occurred in the last few years continue to affect the economic and social situation of the population.

5. Historically, there has been discrimination against individuals on ethnic grounds. In recent years inter-ethnic tensions have risen in various parts of the Russian Federation. In addition, the Russian Federation is a country in transition, with problems of coordination at the legislative and administrative levels.

C. Positive aspects

6. It is noted with satisfaction that since the examination of the previous reports, new legislation has been adopted that completes the provisions of the Constitution guaranteeing equality of rights and freedoms and prohibiting discrimination. Thus, a new Penal Code entered into force on 1 January 1997 which made changes to the penal legislation prohibiting discrimination on any grounds. Article 282 makes it a criminal offence to engage in deliberate acts intended to stir up national, racial or religious hatred or discord, to detract from national honour or dignity, to promote the idea of exclusiveness or the inferiority of citizens because of their religious beliefs, nationality or race, or directly or indirectly to restrict the rights of or establish privileges for citizens because of their race, nationality or attitude to religion. Article 282 also lays down punishments for such acts. Article 63 lays down the general rule that having "motives of national, racial or religious hatred or enmity" for committing a crime is an aggravating circumstance.

7. It is also noted that the National Cultural Autonomy Act, whose main purpose is to offer the members of all ethnic communities guarantees of national cultural autonomy, has entered into force. This Act provides a framework within which cultural development programmes are being established and an advisory council on national cultural autonomy has been created. During the period under review a number of autonomous regional, local and federal cultural entities have been established.

8. The Outline of Russian State Policy on Nationalities was adopted in June 1996. This outline lays down basic principles and approaches for use in addressing problems in relations between different nationalities, among which is the principle of equal rights for all ethnic groups. In order to implement the outline a governmental commission has been established and priority measures have been adopted.

9. It is also noted that a number of republics have adopted laws which guarantee the rights of national minorities, indigenous peoples and small ethnic groups.

10. The State Duma has been working on a number of important federal laws, inter alia, the National Minorities Act, the Small Indigenous Groups of the North, Siberia and the Russian Far East Act, and the Refugees and Displaced Persons Act.

11. It is noted that efforts are being made to strengthen the court system and the independence of the judiciary. Thus, the Judicial System Act, which came into force at the end of 1996, contains guarantees of independence in the administration of justice. Efforts have also been made in the training of judges in matters relating to the exercise of citizens' rights and freedoms.

D. Principal subjects of concern

12. Concern is expressed over the increasing incidence of acts of racial discrimination and inter-ethnic conflicts that occurred in the State party.

13. The report contains limited information on the activities of the Prosecutor's Office and the judiciary to investigate and punish acts of racial discrimination. The oral information in this respect and the information about reparation for damages suffered as a result of such discrimination was limited.

14. Despite the efforts made, shortcomings in the legal framework for protecting all persons against racial discrimination persist. Thus, national legislation does not include a definition of racial discrimination along the lines of article 1 of the Convention. Moreover, neither the Constitution nor the Penal Code contains provisions giving full effect to article 4 (b) of the Convention.

15. Concern is expressed about the situation in Chechnya. It is noted that a number of important steps have been taken to bring about a peaceful settlement of the conflict. However, serious human rights violations still take place in this republic. Persistent efforts towards reconciliation have to be pursued.

E. Suggestions and recommendations

16. Although the Constitution sets up a framework for the protection of individuals against racial discrimination, it is suggested that further measures be taken in order to harmonize domestic legislation with the provisions of the Convention. In this respect the Committee recommends, in particular, that appropriate measures be taken to outlaw and combat all organizations and political groups and their activities that promote racist ideas or objectives, as referred to in article 4 of the Convention. It wishes to receive further information about the investigation of racial discrimination by prosecutors and its punishment by the courts.

17. Domestic legislation should be fully implemented in order to guarantee in practice enjoyment by everyone of the rights listed in article 5 of the Convention and, in particular, the rights to freedom of movement and residence and the right to a nationality.

18. The Committee invites the State party to provide, in its next report, further information on the following issues: (a) complaints and court cases

related to racial discrimination including the respective decisions and judgements, in accordance with article 6 of the Convention; (b) reparation for damages suffered as a result of discrimination in cases brought before courts; (c) measures taken by the State party to combat racial prejudice, to promote understanding among different groups and other issues included in article 7 of the Convention; (d) development regarding the bills currently under discussion in the State Duma Committee on Nationalities, as well as the bill banning the propagation of Fascism; (e) measures to ensure the adequate development and protection of less developed groups within the Federation; (f) the situation of Gypsies or Roma; (g) measures taken against organizations involved in racial propaganda; (h) the situation of the indigenous peoples of the North, Siberia and the Russian Far East.

19. The Committee recommends that the bills under discussion in the State Duma aimed at ensuring equality and non-discrimination on racial grounds, as well as the draft plan of action to put into effect the Outline of the State Policy on Nationalities, include means of supervision in which the groups intended to benefit are represented.

20. Increased attention should be given to programmes intended to improve relations between ethnic groups as well as to ensure the adequate development and protection of less developed groups, in accordance with article 2, paragraph 2, of the Convention.

21. The training of judges and law enforcement officials in matters relating to the exercise of individuals' rights and freedoms and, in particular, on the right not to be discriminated against on racial grounds should be continued and developed.

22. Efforts aimed at strengthening the court system and the independence of the judiciary should continue.

23. Regarding the indigenous peoples, the Committee recommends that the State party consider ratifying ILO Convention No. 169.

24. The Committee recommends that further measures be taken in order to provide minorities and indigenous groups with elementary education in their own languages.

25. The Committee recommends that the State party reinforce its measures to protect human rights in Chechnya, Ingushetia and North Ossetia. Measures should be taken in particular to ensure that serious breaches of international humanitarian law do not remain unpunished, that the victims are afforded just and adequate reparation, and to ensure normal conditions of life and return for displaced persons.

26. The Committee suggests that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted at the 14th Meeting of States Parties.

27. The Committee suggests that the State party address all the points raised in connection with the fourteenth report and ensure the dissemination

of the report and the concluding observations adopted by the Committee. The accepted procedure for individual communications under article 14 of the Convention should be made widely known in the State party in the appropriate languages.

28. The Committee recommends that the State party's next report, due on 6 March 1998, be a comprehensive one and follows the guidelines regarding the form and contents of reports. It should also address all the points raised in the present observations.

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination

Switzerland

1. The Committee considered the initial report of Switzerland (CERD/C/270/Add.1) at its 1248th and 1249th meetings held on 3 and 4 March 1998 and at its 1268th meeting, held on 17 March 1998, adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the initial report submitted by Switzerland and the comprehensive introductive presentation made by the delegation as well as the opportunity thus offered to begin its dialogue with the State party. It expresses to the State party satisfaction regarding the quality of the report although it regrets that it was not submitted by the due date.

B. Positive aspects

3. It is noted with appreciation that the State party has established a Federal Commission against Racism to promote better understanding between persons of different races, colours, and ethnic or religious origins and to combat all forms of direct or indirect racial discrimination. The Committee welcomes the initiatives taken by this Commission in the sphere of education and information.

4. The adoption of article 261 bis of the Swiss Criminal Code, which is intended to give effect to articles 4 and 5 (f) of the Convention, is welcomed.

C. Principal subjects of concern

5 While the Committee takes note of the draft reforms of the Federal Constitution, it expresses its concern about the lack of comprehensive legislation to combat discrimination based on race, colour, descent, or national or ethnic origin. Such legislation should include measures to combat racial discrimination in labour relations and housing and, more generally, racial discrimination by any person, group or organization as required by article 2, paragraph 1 (d), of the Convention.

6. While noting that the current Swiss immigration policy may be subject to revision, the Committee expresses its disquiet at the current so-called three-circle-model immigration policy which classifies foreigners on the basis of their national origin. The Committee considers the conception and effect of this policy to be stigmatizing and discriminatory, and therefore contrary to the principles and provisions of the Convention. Other areas of special concern are the extensive system of police control of foreigners as well as the naturalization policies and procedures, which are deemed too protracted and selective. Concern is also expressed about serious incidents of police brutality in dealings with persons of foreign ethnic or national origin.

7. The restrictions on freedom of movement imposed on the Jenish population and on the Sinti and Roma minorities, as well as tendencies to discredit them, are matters of concern.

8. Incidents of xenophobia, anti-Semitism, racial discrimination and racial violence occurring in the State party as well as the dissemination of racist and xenophobic ideas also occasion concern. Moreover, article 4 (b) of the Convention is not fully implemented, notably as regards participation in illegal and prohibited organizations.

D. Suggestions and recommendations

9. The Committee recommends that the envisaged constitutional reform in the State party more fully reflect the provisions of the Convention. Such reform should entail a clear repudiation of racial discrimination.

10. The State party should give serious consideration to the enactment of a comprehensive law banning discrimination based on race, colour, descent, or national or ethnic origin. Other preventive measures, such as information campaigns, educational programmes and more intensive training programmes for law enforcement officials, in accordance with article 7 of the Convention and General Recommendation XIII of the Committee, will strengthen the implementation of the Convention.

11. The Committee urges the State party to review those elements of its current immigration policy which classify foreigners on the basis of their national origin, and recommends that it reconsider the reservation made to article 2, paragraph 1 (a), of the Convention.

12. In light of article 3 of the Convention and General Recommendation XIX, the Committee encourages the State party to monitor all tensions which may give rise to racial segregation and to work for the eradication of any negative consequences that ensue.

13. The Committee recommends that the State party take the necessary steps to implement article 4 (b) of the Convention. The Committee further recommends that the State party include in its next report information on complaints of discrimination under article 4 of the Convention, actions taken by prosecution authorities and by the competent courts as well as, where appropriate, on reparation granted to victims.

14. The Committee encourages the State party to contribute to the United Nations Trust Fund for the Programme for the Decade to Combat Racism and Racial Discrimination. Furthermore, the Committee expresses the hope that the Federal Commission against Racism will receive adequate resources to enable it to effectively carry out its tasks and that other organizations and institutions dealing with race relations also receive the necessary support.

15. It is noted that the State party has not yet made the declaration provided for in article 14 of the Convention, and some members of the Committee request that the possibility of such a declaration be considered.

16. The Committee suggests to the State party that the report and these concluding observations be widely distributed to the public in the various official languages of Switzerland. The Committee recommends that the State party's second periodic report, due on 29 December 1997, which may be of an updating character, address all the points raised in the present concluding observations.

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CONSIDERATION OF REPORTS SUBMITTED BY STATES
PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the
Elimination of Racial Discrimination

Israel

1. The Committee considered the combined seventh, eighth and ninth periodic reports of Israel (CERD/C/294/Add.1) at its 1250th and 1251st meetings, held on 4 and 5 March 1998, and adopted, at its 1272nd meeting, held on 19 March 1998, the following concluding observations:

A. Introduction

2. The Committee welcomes the submission of the report but regrets that it does not follow the Committee's reporting guidelines.

3. The Committee regrets that the dialogue between its members and representatives of the State party was not always of a constructive nature. It nevertheless welcomes the replies of the delegation to some of the Committee's questions and their expression of willingness to contribute to a dialogue.

4. The Committee concludes that the Convention is far from fully implemented in Israel and the Occupied Palestinian Territory, and that the shortfall contributes very significantly to the dangerous escalation of tension in the region.

5. The Committee notes with regret the stalemate in the peace process in the region.

6. It takes note of the establishment of the Palestinian Authority which has certain responsibilities in parts of the Occupied Palestinian Territory.

B. Positive aspects

7. The measures taken by the State party to prohibit the activities of racist political parties such as Kahana (Kach) are welcomed.

8. The amendment of the Equal Opportunity in Employment Law, prohibiting discrimination in the labour sphere on the grounds of national ethnic origin, country of origin, beliefs, political views, political party, affiliation or age, is welcomed, as is the revision of the National Insurance Law.

9. The Government's efforts to reduce and eventually eradicate the economic and educational gap between the Jewish majority and the Arab minority are commended.

C. The Occupied Palestinian Territory

10. The Committee reiterates its view that the Israeli settlements in the Occupied Palestinian Territory are not only illegal under contemporary international law but are an obstacle to peace and to the enjoyment of human rights by the whole population in the region, without distinction as to national or ethnic origin. Actions that change the demographic composition of the Occupied Palestinian Territory evoke concern as violations of contemporary international humanitarian law.

11. Accordingly, the Committee calls for a halt to the demolition of Arab properties in East Jerusalem and for respect for property rights irrespective of the ethnic origin of the owner.

12. The Committee reiterates its opinion of 1991 that the report of Israel should "encompass the entire population under the jurisdiction of the Government of Israel" (A/46/18, para. 368). Israel is accountable for implementation of the Convention, including the reporting obligation, in all areas over which it exercises effective control.

D. Concerns and recommendations

13. With respect to articles 1 and 6 of the Convention, the Committee requests the State party to supply it with details of court decisions or other authoritative sources which make a distinction between inequality of treatment on the grounds of race, colour, descent or national or ethnic origin and inequality of treatment on other grounds such as those related to public security

14. The Committee recommends that the State party extend its legislation against the promotion of racial hatred by completing its implementation of the requirements of article 4 of the Convention. The Committee has earlier held that when anyone makes threats in public against the security of persons of

another ethnic origin, criminal proceedings must be initiated with due diligence and expedition. The State party should give this priority attention.

15. The Committee concludes that comprehensive legislation and accompanying measures of implementation will need to be introduced for the State party to meet all the requirements of article 5 of the Convention.

16. The Committee expresses its profound concern that detained persons of Arab ethnic origin are disproportionately subjected to inhuman and degrading interrogation under the Landau Commission rules and that the Supreme Court has failed to declare this illegal.

17. The Committee recommends that the State party reinforce its efforts to reduce the persisting gap between the living standards and the involvement in national affairs of the Jewish majority and the Arab minority, and that it does this in a manner consistent with the measures adopted for assisting the integration of Ethiopian Jews. The Committee encourages the State party to adopt new labour legislation in order to secure the protection against ethnic discrimination of the rights of Palestinians working in Israel on a daily basis; the rights of migrant workers, including undocumented workers, is also a matter of concern.

18. The right of many Palestinians to return and possess their homes in Israel is currently denied. The State party should give high priority to remedying this situation. Those who cannot repossess their homes should be entitled to compensation.

19. While noting the special budget for public housing in the Arab sector, the Committee remains concerned about ethnic inequalities, particularly those centring upon what are known as "unrecognized" Arab villages.

20. While recognizing the great diversity of opinion within the Israeli public, and the Government's actions to implement article 7 of the Convention, the Committee expresses concern about the findings of social surveys which report that very many Jewish young people believe that Arab citizens should not be accorded equal rights.

21. The Committee hopes to find in the next periodic report a comprehensive statement of the Government's vision of the future of its Arab, Bedouin and Druse citizens, together with an indication of how its objectives are to be attained and a review of the effectiveness of its measures to combat discrimination. Any statistics should show whether governmental expenditure and service provision are proportionate to the size of the different ethnic groups.

22. In order to be able to evaluate the implementation of article 6 of the Convention, the Committee requests the State party to present information on the number of complaints, judgements and compensation awards arising from racist acts, regardless of their nature. At the same time, the Committee would like to be informed about any other information, from whatever reliable source, about any inequalities suggestive of discrimination in the administration of criminal justice.

23. Since time did not permit a full exchange of views on many of the issues raised by members at the fifty-second session, the Committee requests the State party to reflect further on the remaining issues and to furnish additional information on these matters in the next report.

24. The tenth periodic report of Israel was due on 2 February 1998. In accordance with article 9 of the Convention the Committee will expect the submission of a combined tenth and eleventh periodic report by 2 February 2000. The document should constitute a comprehensive report, follow the reporting guidelines, and take account of the Committee's general recommendations.

25. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention adopted at the Fourteenth Meeting of States Parties.

26. It is also noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee request that the possibility of making the declaration be considered.

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UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination

Netherlands

1. The Committee considered the tenth, eleventh and twelfth periodic reports of the Netherlands (CERD/C/319/Add.2) at its 1252nd and 1253rd meetings, held on 5 and 6 March 1998, and adopted, at its 1272nd meeting, held on 19 March 1998, the following concluding observations.

A. Introduction

2. The Committee welcomes the opportunity to continue its dialogue with the State party and the detailed report submitted. It notes with appreciation that the report covers the European part of the Kingdom of the Netherlands and, additionally, the Netherlands Antilles and Aruba. The Committee particularly appreciates the open and constructive dialogue with the representatives of the State party and the additional information given orally on the wide range of questions asked by members.

3. The considerable delay in submitting the report is noted, and that it contains information which has not been updated.

B. Positive aspects

4. The concepts of multicultural society and inter-cultural education, of proportional participation in employment in the army and the police, as well as the involvement of the civil society in activities aiming at the elimination of racial discrimination and intolerance are noted with great interest.

5. Different policies and programmes initiated by the Government or by local authorities in the fields of multicultural education and education of children of minorities, employment, combating racist messages through the Internet and involving persons from different minorities in health programmes and activities are also noted with interest.

6. The efforts undertaken and the innovative measures adopted by the State party to prevent and combat racial discrimination are welcomed. In this regard, note is taken of the Government's willingness to recognize existing problems and to find appropriate solutions, both legislative and administrative.

7. The active participation of organizations representing ethnic minorities, schools and employers in the elaboration and the execution of governmental programmes to combat racism is noted with appreciation. Such involvement has contributed to achieving more successful implementation of reforms and programmes to combat racial discrimination.

8. It is noted with interest that the draft Matching Bill, expected to come into force in July 1998, contains provisions aimed at narrowing the existing differences in the state of health between members of ethnic and national minorities and the rest of the population. It is noted that, according to the draft legislation, illegal immigrants will be provided with essential health-care services.

C. Concerns and recommendations

9. Concern is expressed over the dissemination of ideas of racial superiority and of intolerance by various organizations, political parties and individuals. Although new guidelines for the Public Prosecution Department entered into force in 1993, requiring the pursuit of an active investigation policy in discrimination cases and that prosecution be undertaken in all such cases, reports from non-governmental organizations indicate that these guidelines are not complied with consistently. The Committee recommends that more attention be given to countering such activities and to investigating and prosecuting discrimination cases more actively and effectively.

10. The increasing racial segregation in society, mainly in the big towns, with so-called "white" schools and neighbourhoods, is also noted with concern. Similar trends are also noted in Aruba and in parts of the Netherlands Antilles. The Committee draws the attention of the State party to the relevance of its General Recommendation XIX to such trends.

11. Concern is also expressed over practices relating to the entry and control of foreigners, both in the continental territory and in Aruba and the Netherlands Antilles, which could lead to racial discrimination in effect. The Committee requests the State party to take the necessary measures to see that regulations and practices in this field do not have such effects.

12. The disproportionately low rate of participation of minorities in the labour market and their increasing unemployment rates, whereas the rates for the rest of the population are stable, are noted with concern, as well as reports of both direct and indirect forms of discrimination in recruitment

procedures. The Committee recommends that further action be taken to ensure and promote equal opportunity in economic and social life, in particular as regards education and employment. Special attention should be given to the information and conclusions found in two ILO reports, "The documentation and evaluation of anti-discrimination training activities in the Netherlands" (1997) and "Discrimination against migrant workers and ethnic minorities in access to employment in the Netherlands" (1995).

13. Concern is also expressed at the under-representation of ethnic minorities in most areas of education and in particular that only an estimated 2 per cent of the total student population in higher education comes from ethnic minorities. As for Aruba and the Netherlands Antilles, concern is expressed that the process of education may not give the necessary attention to the fact that the majority of the population speaks Papiamento. The Committee requests the State party to give more attention to providing students from ethnic minorities at all levels of education, as appropriate, instruction in their mother tongue.

14. The Committee also requests more information about the implementation of the 1994 Law of Equal Treatment and the activity of the Commission for Equal Treatment. The Committee draws attention to proposals to extend the competence of this Commission and to make it more effective in countering discrimination.

15. The Committee suggests that the State party review its arrangements for the coordination by one ministry of all actions in implementation of the Convention, including reporting obligations.

16. It is further recommended that the next report introduce a consistent nomenclature and classification of ethnic and national minorities, and that the State party include information regarding the Frisian minority and data on the total population according to ethnic and national origin.

17. The Committee recommends that the State party's next report, due on 9 January 1997, be an updating report and that it address all the points raised in the present observations.

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CONSIDERATION OF REPORTS SUBMITTED BY STATES
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Concluding observations of the Committee on the
Elimination of Racial Discrimination

Czech Republic

1. The Committee considered the initial and second periodic reports of the Czech Republic (CERD/C/289/Add.1) at its 1254th and 1255th meetings, held on 6 and 9 March 1998, and adopted, at its 1270th meeting, held on 18 March 1998, the following concluding observations.

A. Introduction

2. The Committee welcomes the report submitted by the Government of the Czech Republic, which generally complies with the reporting guidelines. The Committee noted with appreciation the competent delegation which presented the report and the frank and constructive approach that characterized the dialogue with the delegation. The Committee also expresses its appreciation to the State party's delegation for the additional information it provided to the Committee both orally and in writing.

B. Factors and difficulties impeding the
implementation of the Convention

3. It is recognized that the economic, political and social changes that are still taking place in the Czech Republic may effect the full enjoyment of economic, social and cultural rights of some segments of the population, especially those belonging to minority groups. It is further noted that the policy of tolerance and openness towards minorities is relatively recent and is being implemented progressively.

C. Positive aspects

4. The fact that, according to article 10 of the Constitution, international instruments on human rights and fundamental freedoms such as the Convention that are ratified, promulgated and made effective by the State party are directly applicable and take precedence over national legislation is welcomed.

5. It is noted that the State party, especially since the adoption of the new Constitution in 1993, has taken a number of positive measures in the field of law reform to combat various forms of racial discrimination which fall within the areas covered by the Convention, including the Charter of Fundamental Rights and Freedoms which, inter alia, contains provisions for the protection of national and ethnic minorities. The introduction of a definition of racially motivated crime and the prohibition of racist organizations and publications in the Criminal Code, as well as the ratification of the Framework Convention for the Protection of National Minorities, are welcomed.

6. The recent initiatives taken by the State party intended to prevent inter-ethnic conflicts, including the teaching of children and adolescents and public awareness campaigns promoting tolerance and openness towards ethnic minorities, are noted with interest.

7. In this context, the establishment of the Council of Nationalities in 1994 as a governmental advisory body is noted with appreciation. The State party's recent steps towards an affirmative action policy for the Roma community, including the setting up of an Inter-Ministerial Commission and measures taken within the fields of education and employment, are welcomed. The continuing growth in the number of non-governmental organizations, including associations of minorities, is also viewed positively.

D. Principal subjects of concern

8. Concern is expressed at the persistence of racial hatred and acts of violence, particularly by skinheads and others, towards persons belonging to minority groups, especially Roma and people of African or Asian origin. Reports of anti-Semitic incidents are a further source of concern. The recorded six-fold increase in racially motivated crimes between 1994 and 1996 is also noted with alarm. Additional sources of concern are the presence of a number of organizations and publications which promote racist and xenophobic ideas, and reports that the State party has not been sufficiently active in effectively countering racial violence against members of minority groups.

9. Concern is expressed at information indicating that the number of charges and convictions, including those of skinheads, is low relative to the number of abuses reported. It is also noted with concern that perpetrators of racial crime are often lightly punished and that, in a number of cases, prosecutors have been reluctant to identify a racial motive. Moreover, in the light of evidence of unnecessarily long proceedings and slow investigations of acts of racial crime, concern is raised about judicial effectiveness in this respect.

10. Taking into account reports of cases of harassment and of excessive use of force by the police against minorities, especially against members of the Roma community, concern is raised that there may be insufficient training provided to law enforcement officials regarding the provisions of the Convention.

11. It is also noted with concern that a political party represented in Parliament promotes racial discrimination and disseminates a magazine which promotes racist propaganda and ideas of racial superiority aimed at the ethnic minorities resident in the country.

12. In light of reports indicating discrimination against Roma in areas such as housing, transport and employment, it is noted with concern that the State party does not have civil or administrative law provisions expressly outlawing discrimination in employment, education, housing and health care and that there exists no administrative regulation explicitly prohibiting racial discrimination by public institutions and agencies. The denial of access to public places such as restaurants, pubs, discotheques and similar establishments by persons belonging to some ethnic minorities, especially Roma, is also noted with concern.

13. The marginalization of the Roma community in the field of education is noted with concern. Evidence that a disproportionately large number of Roma children are placed in special schools, leading to de facto racial segregation, and that they also have a considerably lower level of participation in secondary and higher education, raises doubts about whether article 5 of the Convention is being fully implemented.

14. It is noted that the 1993 law on the acquisition of Czech citizenship (Law No. 40/1990) has resulted in widespread criticism from a number of international institutions and non-governmental organizations for its discriminatory effects, especially vis-à-vis Roma. While it is noted that the State party has taken steps to mitigate the negative consequences of the law, it is stressed that the act of rendering people stateless entails the deprivation of fundamental rights linked to citizenship, as well as exposing them to the risk of expulsion. Concern is expressed that there remain groups of the population for whom the question of citizenship has not yet been addressed in a satisfactory manner. These include prisoners, and minors and orphans in children's homes, many of whom are of Roma origin.

15. Doubts were raised whether the provisions of the State party's Criminal Code is conducive to the full implementation of article 3 of the Convention as it stipulates a state of war for the applicability of section 263 (a).

E. Suggestions and recommendations

16. The Committee recommends that the State party continue its efforts to prevent and counter effectively attitudes and acts of racial violence against persons belonging to minority groups, mainly Roma, and persons of African or Asian origin, and take additional measures to ensure an effective and timely handling of court cases of racially motivated crime and punishment of the perpetrators.

17. The Committee also recommends that the State party give more attention to the activities of political parties and other organizations, as well as to media promoting racist propaganda and ideas of racial superiority, in accordance with article 4 of the Convention.

18. The Committee recommends that the State party provide, in its next report, more specific statistical data on minority representation in local, regional and State administrations as well as information on their situation in the fields of education, employment and health. The Committee would also welcome more data on minorities' political, economic and cultural rights. Information is also requested concerning the proportions of ethnic minority groups and aliens residing in the country.

19. The Committee recommends that increased attention be paid to introducing legal provisions aimed at safeguarding the enjoyment on a non-discriminatory basis, by all segments of the population, of the economic, of social and cultural rights listed in article 5 of the Convention, notably, the rights to work, housing, education, and access to services and places open to the general public.

20. The Committee suggests that the State party, in its next report, endeavour to provide more specific information on the implementation of the Convention and of national laws in practice, especially relating to articles 5 and 6 of the Convention.

21. In connection with article 7 of the Convention, the Committee would welcome information on the effectiveness of teaching and public awareness campaigns intended to prevent racial discrimination and increase tolerance.

22. The Committee requests that the State party provide, in its next report, comprehensive information on the results of the affirmative action measures that have been taken for the Roma community, in particular in the fields of education, employment and housing.

23. The Committee also urges the State party to resolve the remaining problems relating to the acquisition of Czech citizenship by all residents, including prisoners and children and adolescents in institutions, in particular members of the Roma minority.

24. It is suggested that the State party consider providing increased education and training on racial tolerance and human rights issues to professional groups such as judges, lawyers and civil servants so as to eliminate any cases of harassment or improper conduct in relation to persons belonging to minorities.

25. The Committee suggests that further action be taken to ensure that the provisions of the Convention are more widely publicized, particularly among minority groups, government officials and the police. In addition, the State party should ensure the wide dissemination of its report and the concluding observations of the Committee.

26. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

27. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee request that the possibility of such a declaration be considered.

28. The Committee recommends that the State party's next periodic report, due on 22 February 1998, be an updating report and that it address all the points raised in the present observations.

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Concluding observations of the Committee on the Elimination of Racial Discrimination

Ukraine

1. The Committee considered the thirteenth and fourteenth periodic reports of Ukraine (CERD/C/299/Add.14), at its 1256th and 1257th meetings, held on 9 and 10 March, and adopted, at its 1269th meeting, held on 18 March 1998, the following concluding observations.

A. Introduction

2. The Committee welcomes the thirteenth periodic report submitted by the Government of Ukraine and the revised core document (HRI/CORE/1/Add.63) as well as the additional information provided by the delegation in response to the questions and comments of the members of the Committee. However, it is noted that the report was not prepared in conformity with the Committee's general guidelines for the submission of reports. Equally, it was noted that the report lacked essential information on the ethnic composition of the population. As a result it is more difficult for the Committee to assess how the Convention is implemented in Ukraine in general.

B. Factors and difficulties impeding the implementation of the Convention

3. The Committee notes that the State party is passing through an important historical period in its existence due to the deep political, economic and social reforms it is undertaking. The Committee further notes that a large number of formerly deported people are returning to their places of origin in the State party and are seeking employment and shelter. Solving these problems puts further strain on resources at the disposal of the Government.

C. Positive aspects

4. The Committee notes with satisfaction the State party's efforts and policies relating to the protection of national minorities, especially the adoption of the Declaration of the Rights of National Minorities and the enactment of the Act on Ukrainian Citizenship, the Act on National Minorities in Ukraine, the Education Act and the Act on Freedom of Conscience and Religious Organizations.

5. The Committee welcomes the State party's accession to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111). The Committee notes with appreciation the State party's intention to ratify the European Framework Convention for the Protection of National Minorities as well as the European Charter on Regional and Minority Languages.

6. The Committee welcomes the creation of the post of Ombudsman as the independent human rights representative of the Supreme Council, and the establishment of an interdepartmental commission responsible for monitoring and taking preventive action in matters of racism and racial discrimination.

7. The Committee commends the State party's efforts aimed at the return, resettlement and rehabilitation of a large number of over 250,000 Crimean Tartars, as well as persons of other nationalities, who were forcibly deported to different parts of the former Soviet Union approximately 50 years ago.

D. Principal subjects of concern

8. Concern is expressed at the fact that many of the Committee's previous concluding observations (A/48/18, paras. 42-65) were not taken into consideration for the elaboration of Ukraine's thirteenth report, especially in regard to the extent to which the Convention is being implemented in the State party (para. 47); lack of information on legislation enacted to implement the punitive provisions of article 4 of the Convention (para. 50); lack of information on complaints and convictions for acts of racial discrimination established under article 66 of Ukraine's Criminal Code (para. 52); and the inadequacy of demographic data on the different ethnic groups living in the State party.

9. While the Committee takes note of the proposed amendments to the Act on National Minorities in Ukraine, concern is expressed that the State party is

not fully implementing the provisions of article 4 of the Convention and it has not provided sufficient information on the practical implementation of the provisions of article 4.

10. In regard to article 5, paragraphs (a) and (b), of the Convention, concern is expressed about reports of mistreatment by the police of members of the Roma population, especially those living in the Transcarpathian region.

11. The difficulties experienced by members of minority groups, including the Crimean Tatars, who were deported decades earlier and are now returning to resettle in Ukraine, in acquiring citizenship in the State party is a matter of concern. The Committee is also concerned about the situation of certain other minority groups who do not enjoy all their economic, social and cultural rights, notably the right to education.

12. It is also regretted that insufficient information was provided on the implementation of article 6 of the Convention, notably on the number of complaints of racial discrimination and available remedies, as well as the practice of the tribunals.

E. Suggestions and recommendations

13. In light of article 3 of the Convention and General Recommendation XIX, the Committee encourages the State party to monitor all tensions which may give rise to racial segregation and to work for the eradication of any negative consequences that ensue.

14. The Committee emphasizes that the State party should fully comply with its obligations under article 4 of the Convention and that necessary legislative measures of a more comprehensive nature should be taken in order to give effect to the provisions of that article.

15. In light of article 5 of the Convention and the Committee's General Recommendation XXII, paragraphs 2 (c) and (d), the Committee recommends that the State party continue to take all necessary steps to fully restore the rights of repatriated members of minorities, including the Crimean Tatars, and to afford them just and adequate reparation where appropriate. The Committee further recommends that issues relating to the citizenship of the repatriated members of minorities, including the Crimean Tatars, be solved as soon as possible in a just manner. In this regard, and in light of article 5 (d) (iii) of the Convention, the Committee suggests that the State party consider the possibility of acceding to the international instruments on statelessness.

16. In light of article 5 of the Convention and the Committee's General Recommendation XIII, the Committee recommends that the State party review and improve the training of law enforcement officials to ensure that in the performance of their duties they respect as well as protect human dignity and maintain and uphold the human rights of all without distinction as to race, colour, or national or ethnic origin. The Committee also emphasizes that the text of the Convention should be widely publicized so that the judiciary, the legal profession, the relevant governmental agencies and the general public are made fully aware of the provisions and the potential of the Convention.

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Concluding observations of the Committee on the Elimination of Racial Discrimination

Lebanon

1. At its 1258th and 1259th meetings, held on 10 and 11 March 1998, the Committee on the Elimination of Racial Discrimination considered the sixth, seventh, eighth, ninth, tenth, eleventh, twelfth and thirteenth periodic reports of Lebanon (CERD/C/298/Add.2) and adopted, at its 1271st meeting, held on 19 March 1998, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission by Lebanon of its report after a very long period during which the dialogue between the Committee and the State party had been disrupted. The Committee commends the quality and openness of the report which follows the consolidated guidelines. It also appreciates the additional information provided orally by the delegation of Lebanon.

B. Factors and difficulties impeding the implementation of the Convention

3. The Committee notes the severe difficulties facing Lebanon as a result of almost 20 years of war and foreign intervention which have resulted in widespread destruction. The Committee also takes note of the difficulties caused by the fact that Lebanon has hosted a great number of refugees for several decades.

C. Positive aspects

4. The Committee welcomes the resumption of the dialogue with the State party after 17 years during which Lebanon had to go through the trauma of a civil war, two military invasions and subsequent occupation of part of its territory in the south.

5. The Committee welcomes the fact that, Lebanon has regained peace and stability which generate a more favourable environment for the promotion and protection of human rights, including those enshrined in the International Convention on the Elimination of All Forms of Racial Discrimination.

6. The constitutional amendments of 21 September 1990, including the new article 95 relating to the elimination of political confessionalism, are welcomed.

7. The recent establishment within the Chamber of Deputies of the Commission du réglement interne et des droits de l'homme (Commission on Human Rights) is a welcome initiative.

8. It is also to be welcomed that treaties ratified or acceded to by Lebanon, particularly the Convention, become part of internal law upon the exchange or deposit of the instruments of ratification or accession.

D. Principal subjects of concern

9. Concern is expressed at the insufficiency of the legal definition of ethnic groups and the protection given to them in domestic law.

10. Though political and legal efforts have been undertaken since the restoration of peace in Lebanon, concern is expressed regarding the existing resistance to the progressive elimination of the political system of confessionalism which may impair the State party's implementation of certain provisions of the Convention.

11. Concern is expressed in relation to the full implementation of article 2, paragraph 1, of the Convention, especially with regard to the insufficiency of measures and policies, such as the major information campaign, adopted by the State party to prevent and combat all forms of racial discrimination.

12. Whereas the State party recognizes Syrians, Greeks, Armenians, Copts, Kurds, Jews, etc. as "communities" and "religions", there is no recognition of the different ethnic origin of some of them, which might constitute grounds for different treatment of these communities including, in some instances, racial discrimination.

13. All the provisions of article 4 of the Convention are not fully reflected in domestic law and policies, in particular with regard to the obligation of the State party to adopt immediate and positive measures designed to eradicate all incitement to or acts of racial discrimination.

14. Concern is expressed with regard to enjoyment by everyone of the right to equality before the law (art. 5), especially for ethnic groups, refugees, displaced persons and foreign workers. In this regard, concern is also expressed that religious courts may pass judgements on some family issues which may be construed as discriminating against members of ethnic groups, including refugees and foreign workers.

15. In relation to article 5 (e) (i) of the Convention, the situation of migrant workers is of concern, especially in relation to access to work and equitable conditions of employment. In this regard, reports of confiscations of passports of foreign workers by their Lebanese employees are a matter which should be looked into by the responsible authorities of the State party.

16. There is no specific information relating to article 6, and particularly with regard to cases before Lebanese courts, where litigants may have invoked the provisions of the Convention.

17. Although recognizing the validity of the arguments advanced by the State party, the Committee nevertheless notes that there are insufficient measures and programmes in the fields of teaching, education, culture and information with the view to combating prejudices which lead to racial discrimination and to promoting understanding and friendship.

E. Suggestions and recommendations

18. The Committee recommends that the State party ensure that the rights of ethnic groups fully comply with the requirements of article 1 of the Convention.

19. The Committee recommends that the State party include information on the demographic composition of the Lebanese population in its next periodic report.

20. In the spirit of the Taif Agreement (1989) and the constitutional amendments of 21 September 1990, the Committee supports efforts in the State party aimed at the gradual elimination of the system of political confessionalism, taking into account public views and feelings.

21. In light of article 2 of the Convention, the Committee recommends that the State party take all appropriate measures, such as major information campaigns, with a view to preventing and combating all forms of racial discrimination.

22. The Committee recommends that the State party fully reflect the provisions of article 4 in its domestic law.

23. The Committee recommends that the State party take all appropriate measures to fully ensure that all persons, including members belonging to ethnic groups, refugees and foreign workers, be given equal treatment before the law. It also recommends that the State party ensure that all legal provisions dealing with family-related issues relating to members of ethnic groups and foreigners, are fully consistent with the provisions of the Convention.

24. The Committee recommends that the State party take all appropriate measures, including those of a legal nature, to fully guarantee access to work and equitable conditions of employment to all foreign workers, including Palestinians. The practice of some Lebanese employers of withholding passports of foreign workers should be prohibited.

25. In light of article 7 of the Convention, the Committee recommends that the State party allocate appropriate resources in the fields of teaching, education, culture and information with a view to combating all forms of racial discrimination and to promoting understanding, tolerance and friendship.

26. The Committee suggests that widespread publicity be given to the Convention, the periodic reports submitted by the State party and the concluding observations of the Committee.

27. The Committee notes that the State party has not made the declaration provided for in article 14 of the Convention, and some of its members request that the possibility of making such declaration be considered.

28. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention adopted at the Fourteenth Meeting of States Parties.

29. The Committee recommends that the State party's next periodic report, due on 12 December 1998, be a comprehensive one and that it provide replies to the questions raised during the consideration of the report.

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Concluding observations of the Committee on the Elimination of Racial Discrimination

Yugoslavia

1. The Committee considered the eleventh, twelfth, thirteenth and fourteenth periodic reports of Yugoslavia (CERD/C/299/Add.17) at its 1260th, 1261st and 1262nd meetings, held on 11 and 12 March 1998, and adopted, at its 1272nd meeting, held on 19 March 1998, the following concluding observations.

A. Introduction

2. The Committee expresses its appreciation to the State party for the report submitted as well as for the additional information provided orally by the delegation. The Committee also expresses its satisfaction for the resumption of dialogue with the State party, interrupted since 1995, and welcomes the commitment to continue that dialogue as a means to facilitate the implementation of the Convention in Yugoslavia.

3. The Committee regrets, however, that the report contains information almost exclusively on legislation and not on the implementation of such legislation. It also regrets that the report does not respond to the concluding observations on Yugoslavia made by the Committee in 1993. The absence of any such response restricts the possibilities for a fruitful dialogue with the State party on the issues raised in those observations.

B. Factors and difficulties impeding the implementation of the Convention

4. It is acknowledged that Yugoslavia is experiencing an acute crisis with serious consequences in terms of demographic, social, economic and political developments. International sanctions, the repercussions of the war in Bosnia and Herzegovina and the presence in its territory of about 700,000 refugees adversely affect the enjoyment of human rights, including those protected by the Convention.

C. Positive aspects

5. The statement made by the State party during the oral dialogue indicating its intention to pursue cooperation with all international mechanisms for the protection of human rights is noted.

6. The Committee takes note of the statement that the Government of the Republic of Serbia is inviting the International Committee of the Red Cross to visit Kosovo and Metohija, and urges the State party to immediately grant the ICRC and other humanitarian organizations free access to Kosovo.

7. It is noted that since the Committee's good-offices mission in 1993, some progress has been made, with the participation of the Albanian population, towards the normalization of the health care system in the province of Kosovo and Metohija.

8. The Committee notes the statement made by the Government of the Republic of Serbia to the effect that all questions relating to Kosovo and Metohija should be resolved within Serbia by political means and in accordance with international standards in the field of protection of the rights of national minorities.

D. Principal subjects of concern

9. Concern is expressed at the lack of implementation of the memorandum of understanding on the normalization of education in Kosovo and Metohija, signed by President Milosevic and representatives of the Albanian population in September 1996.

10. Concern is expressed about continuing reports indicating that, despite constitutional and legal safeguards, access of certain minorities to education, public information and cultural activities in their own language is not fully guaranteed.

11. Concern is expressed at the limitations imposed by the 1989 Act on Special Conditions for Real Property Transactions, on the transactions between members of different groups and about the fact that the law is being unevenly and arbitrarily implemented, depending on the applicant's ethnicity and place of residence.

12. It is noted with regret that there has been no follow-up to the good-offices mission of the Committee in 1993. The purpose of the mission was to help promote a dialogue for the peaceful solution of issues concerning respect for human rights in the province of Kosovo and Metohija, in particular

the elimination of all forms of racial discrimination, and to help the parties concerned to arrive at such a solution. As a result of the mission, the Committee proposed to the State party that a number of specific steps, particularly in the fields of education and health care, be taken with a view to normalizing the situation in Kosovo. Although the Committee expressed a willingness to continue the dialogue within the framework of the good-offices mission, no response was received from the State party.

13. Concern is also expressed at persisting violations in Kosovo and Metohija of basic human rights standards, including article 5 (a) and (b) of the Convention, requiring that arrested persons be brought promptly before a judge, and prohibiting torture and ill-treatment of persons in detention or in the course of demonstrations. Equal concern is expressed about the impunity that perpetrators of such violations seem to enjoy.

14. The Committee is concerned that disproportionate use of force by law enforcement agencies and the military against the Albanian population in the province of Kosovo and Metohija has resulted in numerous violations of the right to life, destruction of property and displacement.

15. Although the State party has argued that its recent actions in Kosovo and Metohija were carried out exclusively with a view to combating terrorism, the Committee notes with serious concern that a great number of victims of the recent events are civilians, including women and children whose deaths cannot be justified by any means. It states that any attempt to push for a military solution of the long-standing crisis in Kosovo could have distressing consequences.

16. It is regretted that the cooperation of the State party with the International Criminal Tribunal for the Former Yugoslavia remains insufficient and that individuals indicted by the Tribunal for war crimes and crimes against humanity are not put at its disposal.

E. Suggestions and recommendations

17. The Committee recommends that the information provided orally in response to a wide range of questions raised by the members be incorporated in the next periodic report due on 24 July 2000. That report should also contain information on the following issues:

(a) Cases in which the Convention has been invoked in decisions or other acts adopted by courts or administrative organs;

(b) Cases where decisions and other acts adopted by courts or administrative organs have been invalidated owing to non-compliance with the Convention;

(c) Cases where compensation has been granted for damages caused by officials or State organs involving violation of rights guaranteed by the Convention;

(d) Cases where measures have been taken against organizations carrying out activities promoting racial hatred and discrimination; cases that might have been brought before the constitutional courts in this respect;

(e) Cases where proceedings have been instituted for the crimes of violation of citizens' right to equality, infringement of citizens' right to use their mother tongue, incitement of national, racial and religious hatred or any other act of racial discrimination.

18. Efforts should be pursued in order to guarantee full enjoyment by members of all minorities of their rights to public information and cultural activities, as well as education in their own language, whenever possible.

19. The Committee recommends that the Government of Yugoslavia take measures to incorporate human rights programmes in school curricula. Such programmes should also include the provisions of the Convention, with a view to promoting the prevention of racial discrimination.

20. Recalling its General Recommendation XXI, the Committee expresses the opinion that a solution for Kosovo and Metohija includes a status of the highest level of autonomy for this part of the State party as a means for everyone to enjoy their human rights and in particular to eliminate all forms of racial discrimination.

21. The Committee calls on all parties to ensure implementation of the memorandum of understanding on the normalization of education in Kosovo and Metohija.

22. The Committee urges the State party to carry out a full and independent investigation of the incidents that occurred in Kosovo and Metohija following the recent military operations and to bring to justice those responsible for any act involving a disproportionate use of force.

23. The Committee recommends that the State party cooperate fully with the International Criminal Tribunal for the Former Yugoslavia, in particular by handing over those indicted by the Tribunal for war crimes and crimes against humanity.

24. It is also noted that the State party has not made the declaration provided in article 14 of the Convention, and some members of the Committee request that the possibility of making the declaration be considered.

25. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention.

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Concluding observations of the Committee on the Elimination of Racial Discrimination

Armenia

1. The Committee considered the initial and second periodic reports of Armenia (CERD/C/289/Add.2) at its 1262nd and 1263rd meetings, held on 12 and 13 March 1998, and adopted, at its 1272nd meeting, held on 19 March 1998, the following concluding observations.

A. Introduction

2. The Committee commends the State party on the quality of its report, prepared in accordance with the Committee's guidelines. It appreciates the open and constructive dialogue with the representatives of the State party and the additional information provided orally.

B. Factors and difficulties impeding the implementation of the Convention

3. It is noted that the State party is going through a difficult period of political, economic and social reforms following the dissolution of the former Soviet Union and that these factors, together with recent demographic movements, are not conducive to the full implementation of the Convention.

C. Positive aspects

4. It is noted with appreciation that despite prevailing political, economic and social difficulties, efforts are being made to implement the provisions of the Convention. The State party's pronounced commitment to ensure equality before the law is especially noted.

5. The signature of the State party to the Commonwealth of Independent States (CIS) Agreement on questions relating to the restoration of the rights of deported persons, national minorities and peoples in 1992 and to the CIS Convention on the safeguarding of the rights of members of national minorities in 1994 is noted with interest.

6. It is noted with interest that there have been considerable legal developments recently and that the State party is in the process of drafting new legislation, including a new Penal Code, expected to be adopted by the end of 1998, as well as legislation regarding employment and the family.

7. With respect to article 7 of the Convention, the publication and dissemination of the texts and principles of the Convention and other human rights documents is welcomed by the Committee. It is also noted with interest that the State party and the Office of the High Commissioner of Human Rights in Geneva have set up a project to organize seminars, train specialists and disseminate human rights literature.

D. Principal subjects of concern

8. While noting that the existing penal legislation is undergoing reform, the Committee is nevertheless concerned that article 69 of the Penal Code currently in force does not prohibit all dissemination of ideas based on racial superiority and incitement to racial discrimination as required by article 4 of the Convention.

9. The lack of any information in the State party's report on the incidence of racially motivated crime occasions concern.

10. With regard to the right to equal treatment before the tribunals and the right to security of person and protection by the State against violence or bodily harm (article 5, paragraphs (a) and (b), of the Convention), concern is expressed at the reported cases of torture and other cruel or degrading treatment on the part of police and investigating officers.

11. With respect to the right to education and training of members of ethnic and national minorities, it is noted with concern that according to Armenian law, teaching must be conducted in the official language, and that some minority groups are therefore denied access to education in practice.

E. Suggestions and recommendations

12. The Committee recommends that the State party fully comply with article 4 of the Convention and register statistics on racially motivated

crimes. It also recommends that this information be included in the next periodic report, together with detailed information on complaints received and judgements issued by courts concerning racial discrimination.

13. The Committee further suggests that the State party consider adopting measures to ensure that ethnic and national minorities have access to education in their own language whenever possible.

14. The Committee requests the State party to include information about the results and effectiveness of the ongoing human rights project carried out by the State party and the Office of the High Commissioner for Human Rights.

15. It is further recommended that the State party furnish the Committee with the texts of new laws concerning racial discrimination once they are adopted, and subsequently with information on the effectiveness of the reforms of the judicial system in practice.

16. In its forthcoming report, the State party should include, inter alia, further information on the restoration of the rights of deportees who have returned to the country, the results of the national reform on education, and the access to health care, housing and employment of ethnic and national minorities.

17. The Committee suggests that the State party consider establishing a human rights commission to take action on the recommendations brought forward by the Committee.

18. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

19. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee request that the possibility of such a declaration be considered.

20. The Committee recommends that the State party's next periodic report, due on 23 July 1998, be an updating report and that it address all the points raised in the present observations.

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Concluding observations of the Committee on the Elimination of Racial Discrimination

Libyan Arab Jamahiriya

1. The Committee considered the eleventh, twelfth, thirteenth and fourteenth periodic reports of the Libyan Arab Jamahiriya, submitted in a single document (CERD/C/299/Add.13), at its 1264th and 1265th meetings, held on 13 and 16 March 1998, and at its 1272nd meeting, held on 19 March 1998, and adopted the following concluding observations.

A. Introduction

2. The Committee expresses its appreciation for the opportunity to resume its dialogue with the State party after a long time. In fact, the Committee notes that it considered the last periodic report of the Libyan Arab Jamahiriya on 22 August 1989. The report under consideration is in accordance with the Committee's guidelines and contains information on how the State party implements the Convention. The report also contains answers to some of the questions raised by the Committee members in 1989. However, the report provides information on legislative, judicial and administrative developments only up to 5 January 1994.

3. The Committee recalls in this connection that States parties are under the obligation to take legislative, judicial and administrative measures to combat racial discrimination as a preventive measure so as to avoid any possible manifestation or recurrence of the phenomenon.

C. Positive aspects

4. It is noted with appreciation that the State party has incorporated the Convention as an integral part of its domestic legislation, and that in case of legal conflict, the Convention takes precedence over domestic law.

5. The Libyan Constitutional Declaration and the other relevant documents contain provisions guaranteeing equality of all citizens before the law.

6. Satisfaction is expressed at the way in which the State party has consistently conducted its fight against apartheid.

7. The State party has made serious efforts to give effect to a number of the provisions of article 5, particularly those concerning certain economic and social rights.

D. Principal subjects of concern

8. Both the statements of the representative of the Libyan Arab Jamahiriya and the report, especially its second part, maintain categorically that there is no racial discrimination and no complaints concerning racial discrimination in the State party. There is no specific legislation to prohibit racial discrimination.

9. The State party has not provided any information on the demographic composition of the Libyan population, although the Committee requested it when it considered the State party's tenth periodic report in 1989.

10. The State party has not been fully implementing the provisions of article 4 of the Convention and it has not provided sufficient information on the practical implementation of the provisions of article 4.

11. It is also regretted that insufficient information has been provided on the implementation of article 6 of the Convention, particularly on available remedies, as well as the practice of the tribunals.

12. The declaration by the State party that there are no ethnic minorities on its territory does not take into account the existence, in particular, of Berbers, Tuaregs, Black Africans, etc. who are reported to experience acts of discrimination because of their ethnic origin.

13. Concern is expressed about allegations of acts of discrimination against migrant workers on the basis of their national or ethnic origin.

E. Suggestions and recommendations

14. The Committee recommends that the State party provide in its next report detailed information on the demographic composition of its population, including of non-Libyans living in the State party, as well as information on the status and working conditions of foreign workers and on measures taken by the State party to prevent any acts of discrimination against them.

15. The Committee recommends that specific legislation be enacted by the State party to implement the provisions of article 4 of the Convention. The State party is also encouraged to adopt appropriate policies to promote the rights of ethnic minorities and to ensure their equality in accordance with the provisions of the Convention.

16. A particular effort should be made by the State party to train law enforcement officials in the light of the provisions of the Convention.

17. The Committee recommends that the State party continue to take appropriate measures to increase awareness of the population about the provisions of the Convention, particularly those contained in its article 7, and to widely disseminate the concluding observations adopted by the Committee on the report.

18. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

19. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee request that the possibility of such a declaration be considered.

20. The Committee recommends that the State party's next periodic report be an updating one. It should address all the points raised in the present observations and reply to unanswered questions raised by members of the Committee.

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Concluding observations of the Committee on the Elimination of Racial Discrimination

Cameroon

1. At its 1265th, 1266th and 1267th meetings, the Committee on the Elimination of Racial Discrimination considered the tenth to fourteenth periodic reports of Cameroon as submitted in a single document (CERD/C/298/Add.3). At its 1273rd meeting, held on 20 March 1998, the Committee adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's periodic report and the presence of, and opportunity to resume dialogue with a delegation from the country. It notes with satisfaction that the report complies with its guidelines and takes into account its latest conclusions concerning the State party. The Committee further notes that the oral information provided in a spirit of frank and open dialogue by the delegation of Cameroon was a useful supplement to the written report.

B. Factors and difficulties impeding the implementation of the Convention

3. Note is taken of Cameroon's considerable ethnic, religious, linguistic, cultural, geographical and economic diversity.

C. Positive aspects

4. The Committee notes the State party's adoption on 18 January 1996 of a new Constitution that guarantees, inter alia, the protection of the rights of minorities and indigenous peoples and its ratification of numerous human rights conventions.

5. The Committee welcomes the establishment by a decree dated 8 November 1990 of the National Committee on Human Rights and Freedoms. It notes with interest the activities of that body.

6. The information provided on the composition of the population and the country's social, economic and cultural indicators is also considered very positive.

D. Principal subjects of concern

7. The inadequacy of the present legislation, especially the Penal Code, to enable the State party fully to discharge its obligations under article 4 of the Convention is a subject of concern.

8. It is regrettable that the report provides no figures concerning ethnic groups' representation at the various levels of political life and the civil service.

9. Protection of the rights of minorities and indigenous peoples to enable them to live in harmony in their environment is, especially as regards the Pygmies and Boro, a subject of concern in the light of article 2, paragraph 2, of the Convention and of the Committee's General Recommendation XXIII on the rights of indigenous peoples.

10. Information is required on the legal regime applicable to aliens living in the State party.

11. Concern was expressed with respect to article 5 (b) of the Convention about allegations of infringements of the right to security of person.

12. The absence of information on individual population groups' enjoyment of economic, social and cultural rights and access to development programmes and projects is regretted.

13. The State party's assertion that no cases involving discrimination, in particular based on article 242 of the Penal Code, are ever brought before the courts and that there is therefore no case law in the matter is a subject of concern in the light of articles 4 and 6 of the Convention.

14. With respect to the implementation of article 7 of the Convention, the information provided on measures to ensure equal treatment for ethnic groups regarding teaching, culture and information and to develop human rights training for law-enforcement agents is inadequate.

E. Suggestions and recommendations

15. The Committee recommends that the State party take all appropriate measures to review domestic law, particularly the Penal Code, in order to include in it all the provisions required by article 4 of the Convention.

16. With reference to paragraph 8 of the guidelines, the Committee requests the State party to provide information on ethnic groups' representation at the various levels of political life and the civil service and on their enjoyment of economic, social and cultural rights.

17. With a view to promoting and protecting the rights of minorities and indigenous peoples, the Committee recommends that the State party take all appropriate measures, particularly as regards deforestation that may harm such population groups.

18. The Committee recommends that the State party take all appropriate measures provided for by the Convention to prevent and eliminate acts of racial discrimination against aliens.

19. The Committee recommends that the State party guarantee all persons within its territory, irrespective of race, colour or ethnic origin, enjoyment of the right to security.

20. The Committee requests the State party to take all necessary measures to guarantee freedom of expression to all persons, irrespective of race, colour or ethnic origin, and to guarantee freedom of the press.

21. With respect to the implementation of article 6 of the Convention, the Committee recommends that the State party facilitate access to the courts for victims of racial discrimination so that the perpetrators of racist acts can be brought to trial and the victims of such acts can obtain reparation.

22. The Committee recommends that the State party take all appropriate measures to give full effect to the provisions of article 7 of the Convention concerning education, training and human rights information. Human rights training for agents of the State is especially recommended. The State party is also requested to take all appropriate steps to acquaint the population with the Convention and to publish the Government's periodic reports and the Committee's observations. The Committee further recommends that the State party strengthen its relations with associations and non-governmental bodies seeking to promote the rights recognized in the Convention.

23. The Committee recommends that the State party provide in its next report detailed information on the implementation of articles 4, 5, 6 and 7 of the Convention to supplement and update the still incomplete information given in the fourteenth report.

24. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention adopted at the fourteenth meeting of States parties.

25. It is noted that the State party has not made the declaration referred to in article 14 of the Convention. A number of members of the Committee have asked that the State party consider doing so.

26. The Committee invites the State party to submit its next periodic report, due on 24 July 2000, as an update taking into account the points raised in the present observations.

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-second session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination

Cambodia

1. The Committee considered the second, third, fourth, fifth, sixth and seventh periodic reports of Cambodia (CERD/C/292/Add.2), at its 1266th and 1267th meetings, held on 16 and 17 March 1998, and adopted, at its 1273rd meeting, held on 20 March 1998, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission by Cambodia of its report after a long period during which the dialogue between the Committee and the State party had been disrupted, as well as the presence of its delegation. The Committee appreciates the opportunity to resume the dialogue with the State party. The Committee notes that the report follows the guidelines established by the Committee for the presentation of reports. The Committee regrets, however, that the report lacks concrete information on the practical implementation of the Convention, and that many questions remained unanswered. The Committee welcomes the statement by the delegation that it will transmit the questions of the Committee members to the State party.

B. Factors and difficulties impeding the implementation of the Convention

3. The Committee notes that Cambodia is facing many difficulties that have an impact on the implementation of the Convention. In this regard, the Committee refers in particular to more than 20 years of armed conflict; the

legacy of the genocide and other massive crimes perpetrated by the Khmer Rouge regime; the subsequent invasion of the country by a neighbouring State; the international isolation of Cambodia for many years; the insecurity which still exists in certain areas of the country; the chronic political instability including recent changes in Government; and the very difficult economic and social situation. These circumstances have created obstacles to the bringing to justice of the perpetrators of severe violations of human rights which, in a number of cases, have an ethnic dimension.

C. Positive aspects

4. The establishment within the National Assembly of a Commission on Human Rights and Receipt of Complaints, whose task is to identify human rights violations, receive complaints from victims and transmit them to the competent authorities for appropriate action, is noted with appreciation.

5. The reported cooperation with the Cambodian office of the Office of the High Commissioner for Human Rights and with non-governmental organizations is also welcomed.

C. Principal subjects of concern

6. Concern is expressed over the lack of independence of the judiciary, the absence of the Constitutional Council called for by the Constitution, as well as the impunity of perpetrators of human rights violations, violations which in some cases include summary executions and torture. This contributes to the serious undermining of efforts to establish the rule of law in Cambodia without which the full implementation of the Convention is not possible.

7. While taking note of article 61 of the Provisions relating to the Judiciary and Criminal Law and Procedure applicable in Cambodia during the Transitional Period, concern is expressed over the lack of legal provisions required in order to implement fully the State party's obligations under article 4 of the Convention, in particular article 4 (b) and (c).

8. Concern is also expressed with regard to the insufficient legal framework to implement fully the Convention, in particular article 2, paragraph 1 (d), and article 6.

9. While taking note of the 1993 Constitution which contains many provisions relating to the protection of human rights, the fact that those constitutional provisions refer only to the rights of Khmer citizens raises concern with regard to article 5 of the Convention. Such a reference contributes to the ideology of ethnic purity of the Khmer which may lead to racial discrimination, if not hatred, against minority groups, in particular the ethnic Vietnamese.

10. It is noted with concern that the 1996 Law on Nationality, stating that Khmer nationals are those one of whose parents is a Khmer national, makes it difficult for persons belonging to minority groups, in particular ethnic Vietnamese and indigenous people, to establish their citizenship.

11. The situation of the ethnic Vietnamese is a matter of concern, in particular with regard to article 5 of the Convention relating to equality of rights. Ethnic Vietnamese are subject to racist propaganda, mainly from the Khmer Rouge, which may incite hatred against them. The several massacres of ethnic Vietnamese, most of them attributed to the Khmer Rouge, have not been properly investigated. Alarm is also expressed over reports that the exploitation through prostitution of females of Vietnamese origin, in particular children, is growing. Concern is further expressed over reports of racist attitudes among much of the Khmer population against the Cambodian-born ethnic Vietnamese, who are still perceived as immigrants.

12. Concern is expressed over the limited educational facilities in the villages of ethnic Vietnamese, the lack of legislation authorizing the establishment of schools for them and the obstacles to their children learning the Khmer language.

13. While noting the existence of the Inter-Ministerial Committee and its draft National Policy on Highland Peoples' Development, concern is expressed over the situation of the indigenous peoples (also referred to as Highland Peoples, Khmer Loeu or Hill Tribes Peoples), and to their lack of legal status, as well as the insufficient legal framework to protect their rights, culture and traditional lands. The rights of indigenous peoples have been disregarded in many government decisions, in particular those relating to citizenship, logging concessions and concessions for industrial plantations. The lack of participation of the indigenous people in the management of natural resources and in other activities of concern to them is also a matter of concern.

D. Suggestions and recommendations

14. The Committee recommends that the State party take all appropriate steps, including legal measures, to ensure the independence of the judiciary and to establish the Constitutional Council, with a view to bringing an end to the impunity of perpetrators of racial discrimination. In this respect, the Committee emphasizes the need to investigate, prosecute and punish those found guilty of such crimes, and to establish confidence in the rule of law.

15. The Committee recommends that the laws be amended to more fully reflect the provisions of the Convention. Such a reform would constitute a clear reaffirmation by the Cambodian authorities that racial discrimination is unacceptable. In particular, the Committee is also of the view that the Law on Nationality should be revised.

16. The Committee recommends that the Code of Criminal Procedure and the Penal Code be enacted as soon as possible and should reflect the provisions of the Convention. The Committee suggests that the State party may wish to avail itself of the technical assistance programme of the Office of the High Commissioner for Human Rights.

17. The Committee reaffirms that the provisions of article 4 of the Convention are mandatory, as stated in its General Recommendation VII. The Committee stresses in this regard that the State party should take appropriate steps to fulfil all its obligations under this article and that in doing so, it take fully into account General Recommendation XV.

18. The Committee recommends that action be taken at the legislative, administrative and judicial levels to protect the right of everyone, including ethnic Vietnamese, to enjoy their rights under article 5 of the Convention, especially the right to security of person and protection by the State against violence or bodily harm; to public health and medical care and to education and training. It further recommends that comprehensive information on the implementation of the articles be provided in the next report.

19. The Committee recommends that the State party recognize the citizenship of the indigenous peoples, as well as their use of lands, forests and other natural resources, and their distinct and unique identity, culture and way of life. The Committee further recommends that the State party take steps to fully implement its General Recommendation XXIII which addresses the rights of indigenous peoples under the Convention. In particular, the State party should ensure that no decisions directly relating to the rights and interests of indigenous peoples are taken without their informed consent.

20. The Committee recommends that the State party ensure protection against any acts of racial discrimination through the competent courts, in accordance with article 6 of the Convention, by, inter alia, strengthening the court system, the independence of the judiciary and the confidence of the population therein. It further recommends that the right to seek just and adequate reparation for victims of racial discrimination be guaranteed in law and practice.

21. In connection with the implementation of article 7 of the Convention, the Committee recommends that all necessary measures be taken to provide training and education of law enforcement officers, civil servants, judges and lawyers, as well as teachers and students, at all levels of education, and the public at large, in the field of human rights and prevention of racial discrimination.

22. The Committee recommends that the State party take account, in preparing its next report, of these conclusions and recommendations.

23. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

24. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee request that the possibility of such a declaration be considered.

25. The Committee invites the State party to submit its next report, due on 28 December 1998, in time for the fifty-fourth session of the Committee, and suggests that it be a comprehensive report. It should provide replies to the questions raised during the consideration of the previous report and address all the points raised in the present concluding observations.